

8 MIOSHA (MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION)

8.1 MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (MIOSHA) INSPECTIONS

8.1.1 GENERAL

In order to protect employees from workplace accidents and injuries and to ensure a safe and healthful place of employment, MIOSHA enforces workplace safety and health standards through periodic inspections.

The MIOSHA regulations are administered and enforced by the Department of Consumer and Industry Services, Bureau of Safety and Regulation. MIOSHA grants to inspectors the authority to enter, inspect, mandate abatements of prohibited conditions, and propose fines and penalties. Inspections most often occur because of:

- An employee complaint filed with MIOSHA
- A random inspection program
- Accident investigation

All DMB locations will use the following procedure when MIOSHA personnel arrive unannounced at a facility to conduct an inspection or investigate an accident or complaint.

8.1.2 PROCEDURE

8.1.2.1 Confirmation

Request photo identification and credentials of the compliance officer.

8.1.2.2 Notification

- Immediately contact the DMB Safety and Health Coordinator. Request that the Compliance Officer (CO) await the arrival of a DMB Safety and Health Coordinator prior to beginning the inspection. In satellite locations the Safety and Health Coordinator may not be able to participate in the inspection and a designee will be determined.
- A member of local management and local union leadership should be identified at the work location to be inspected and will accompany the CO and the DMB Safety and Health Coordinator during the inspection.
- The CO should be treated as a guest and assured that DMB will be cooperative during the inspection.

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- The following is a list of Organizational Services individuals and their telephone numbers to be called in sequence.

DMB S&H Coordinator – Lewis Cass Building

1. Joel Hoffman (517) 241-2890
2. Judy Ferrigan (517) 335-1565
3. Anita Stevens (517) 241-4582
4. James DeForest DMB Employee Relations Mgr.
Lewis Cass Bldg. (517) 335-1572
5. Ann Kroneman DMB Human Resources Dir.
Lewis Cass Bldg. (517) 373-1000

8.1.2.3 Opening Conference

An opening conference will be held prior to beginning the inspection. During the opening conference ask the CO to:

- Establish the type and scope of inspection (if "complaint," restrict the scope of the inspection to the complaint).
- Request video equipment be used instead of photos.
- Provide a copy of anonymous complaint if there is one.
- Perform the inspection and any necessary interviews during normal working hours.

The CO may at this time review all required MIOSHA recordkeeping documents such as the injury/illness log (Form 300) and written programs or procedures that apply such as Hazard Communication (Right-To-Know), and Lockout/Tagout.

8.1.2.4 The Inspection

The DMB Safety and Health Coordinator, management representative and an employee (union) representative must be informed about the inspection and allowed to participate during the inspection. The DMB representative should:

- Document all conversations and observations with CO (except private interviews with non-management employees).
- Photograph and take measurements of any questionable compliance issue. Take photographs or videos in any situation where the Compliance Officer may video or take photographs in order to replicate their observations.

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- Communicate specific requests, made by the Compliance Officer, for internal correspondence or audit information to the Safety and Health Coordinator (DMB) and or the Human Resource representative for authorization prior to releasing the requested information.
- Include a subcontractor representative in the inspection when appropriate.
- Provide only the information requested by the CO.

8.1.2.5 Closing Conference

The closing conference should have the same attendees as the opening conference. The CO will present specific information related to potential violations. The DMB Safety and Health Coordinator and a management representative should discuss any items/issues of concern with the CO and get specific information regarding the violations as well as possible charges and abatement requirements.

8.1.2.6 Post Inspection Citations and Follow-Ups

Following MIOSHA office review, the citation is sent to the employer by certified mail. A copy of the citation(s) must be posted upon receipt at or near the site of the violation. The citation(s) will remain posted until all items are corrected or for at least three working days, whichever is longer. The DMB Safety and Health Coordinator should be provided with all citations and additional requests for information. The DMB Safety and Health Coordinator will coordinate all responses and follow-up to the MIOSHA citations.

Note: Other governmental officials may appear unannounced such as the local Health Department Inspector, Fire Inspector, Department of Environmental Quality Representative, or others. Follow the procedures identified in the steps above.

8.2 EMPLOYER RIGHTS AND RESPONSIBILITIES UNDER MIOSHA

Employers have certain rights and responsibilities under the Michigan Occupational Safety and Health Act/Act 154 of 1974.

8.2.1 EMPLOYER'S RIGHTS:

- Seek advice and consultation from the MIOSHA office. (MIOSHA will not conduct an inspection merely because an employer requests assistance.)
- Contest any notice of citation and proposed penalties received, by filing a notice of contest with MIOSHA within 15 working days of receipt.

- Apply to MIOSHA for permanent variance from a standard, if the facility or its methods of operation protect employees at least as effectively as the standard.

8.2.2 EMPLOYER'S RESPONSIBILITIES:

- Provide a safe and healthful workplace free of recognized hazards that are causing or are likely to cause death or serious physical harm to employees.
- Comply with all standards, rules and regulations issued under the Act.
- Inform all employees about MIOSHA (through posting of the "Michigan Safety & Health Protection On the Job" poster).
- Be familiar with MIOSHA standards applicable to their operations, and make copies available to employees for review.
- Inspect workplace conditions so that they conform to applicable standards.
- Eliminate or control recognizable hazards.
- Make sure employees have and use safe tools, equipment, and personal protective equipment, and that such equipment is properly maintained.
- Use color codes, posters, labels or signs to warn employees of potential hazards.
- Establish or update safety and health operating procedures so that employees follow safety and health requirements.
- Provide training required by MIOSHA standards such as the Hazard Communication Standard, the Occupational Noise Exposure Standard, the Powered Industrial Truck Standard, etc.
- Notify the MIOSHA office within 8 hours of any accident resulting in the hospitalization of 3 or more employees simultaneously, or a fatality using the MIOSHA Fatality Hotline 1-800-858-0397.
- Maintain MIOSHA-required records of work-related injuries and illnesses and post a copy of the 300 log totals from February 1 to April 30.
- Provide employees, former employees and their representatives access to the MIOSHA 300 Log in a reasonable amount of time.
- Provide access to medical and exposure records, to employees and/or their authorized representatives (by written request).
- Never discriminate against an employee who properly exercises rights under the Act.

- Post any MIOSHA citations near the worksite involved. Any citations must remain posted until the violation has been abated, or for three working days, whichever is longer.
- Abate cited violations within the prescribed time period.

8.3 EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER MIOSHA

Worker safety and health protection is the purpose of MIOSHA. The following are some of the rights and responsibilities employees have under the Act.

8.3.1 EMPLOYEE'S RIGHTS:

- Work in an environment that is free of recognized hazards that may cause serious physical harm or death.
- Voice their safety and health concerns without fear of reprisal, punishment, discrimination or discharge.
- Review copies of appropriate MIOSHA standards, rules, regulations and requirements.
- Request and receive adequate information and training from the employer on safety and health hazard prevention in the work place and procedures to follow when an accident or exposure to toxic substances occurs.
- Be provided access to records of any exposure to potentially toxic substances or harmful physical agents, which are required to be monitored or measured by MIOSHA standards.
- Request MIOSHA to investigate if the employee believes hazardous conditions or violations of standards exist in the workplace.
 - Have his or her identity kept confidential, if he or she so requests, when making a signed, written complaint to MIOSHA.
 - Have the authorized employee representative accompany the MIOSHA compliance officer during an inspection tour.
 - Request a closing discussion with the compliance officer following an inspection.

8.3.2 EMPLOYEE'S RESPONSIBILITIES:

- Comply with applicable safety procedures, programs, and MIOSHA standards.

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- Follow all employer safety and health rules and regulations, and wear or use prescribed protective equipment while engaged in work.
- Report hazardous conditions to the supervisor.
- Report any job-related injury or illness to the employer, and seek treatment promptly using proper procedures.
- Cooperate with the MIOSHA compliance officer conducting an inspection.
- Exercise employee rights under the Act in a responsible manner.
- Read the MIOSHA poster at the job site.
- Not damage, move or remove any safety-related item that is provided; or do anything that would interfere with the use of that item by another person.

Employees who violate MIOSHA regulations or DMB safety and health rules will be subject to disciplinary action.

8.4 MIOSHA STANDARDS

The standards listed below are some of the MIOSHA health and safety standards that affect DMB operations. Review this list for standards that may apply to your operation. Copies of the standards are available from the DMB Safety and Health Coordinator. If the subject is covered in this DMB Safety and Health Policies and Procedures Manual reference to the section number is provided.

Subject	Regulations/ Controls / Standards	DMB Manual Section
Abrasive Blasting	MIOSHA Health Standard R 3205 Part 523	
Abrasive Wheels	MIOSHA Safety Standard Part 1A	Sec. 12.1
Accident Prevention Signs and Tags	MIOSHA Safety Standard Part 37	Sec. 12.2
Air Receivers	MIOSHA Safety Standard Part 93	
Asbestos	MIOSHA Health Standard R 325.51311-51312 Part 305	Sec. 11.2
	MIOSHA Construction Health R.325.51851-251885 Part 602	
Automotive Service Operations	MIOSHA Safety Standard Part 72	Sec. 12.4
Bloodborne Infectious Diseases	MIOSHA Health Standard R 325.70001-70017 Part 554	Sec. 11.3
Carcinogens	MIOSHA Health Standard R 2301 Part 350	
	MIOSHA Health Standard R 2302 Part 351	
Compressed Air Requirements	MIOSHA Safety Standard Part 69	
	MIOSHA Construction Health R 325.62991-62996 Part 665	
Concrete Construction	MIOSHA Construction Safety Part 25	
Confined Space Entry	MIOSHA Safety Standard Part 90	Sec. 10.1
	MIOSHA Health Standard R 325.63001-63049 Part 490	
Control Measurers in Special Industries	MIOSHA Health Standard R 3401	
Cranes, Hoists & Monorail Systems	MIOSHA Safety Standard Part 18	Sec. 12.5
	MIOSHA Safety Standard Part 20	
Crawler, Locomotive and Truck Cranes	MIOSHA Safety Standard Part 19	
Demolition	MIOSHA Construction Safety Part 20	
Elec. Power Transmission and Distribution	MIOSHA Safety Standard Part 86	Sec. 10.3
Electrical Safety	MIOSHA Safety Standard Part 39	
	MIOSHA Safety Standard Part 40	Sec. 12.6
	MIOSHA Safety Standard Part 85	Sec. 10.2
	MIOSHA Construction Safety Part 17	
Emergency Preparedness		Sec. 10.4
Employee Medical/Exposure Records	MIOSHA Health Standard R 325.3451-3476 Part 470	Sec. 8.5
Ergonomics	No Standard	Sec. 11.4
Excavation, Trenching and Shoring	MIOSHA Construction Safety Part 9	Sec. 12.7
Fall Protection	MIOSHA Construction Safety Part 45	Sec. 10.5

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Fire Protection	MIOSHA Safety Standard Part 6	Sec. 10.4
	MIOSHA Safety Standard Part 8	
	MIOSHA Safety Standard Part 9	
	MIOSHA Safety Standard Part 73	
	MIOSHA Safety Standard Part 74	
	MIOSHA Health Standard R 3304 Part 480	
	MIOSHA Construction Safety Part 18	
Flammable and Combustible Liquids	MIOSHA Safety Standard Part 75	
Floor and Wall Openings	MIOSHA Safety Standard Part 2	
Guarding and Walking and Working Areas	MIOSHA Construction Part 21	
	MIOSHA Construction Part 24	
General Rules	MIOSHA Safety Standard Part 1	Sec. 12.8
	MIOSHA Construction Safety Part 1	
General Workplace Requirements	MIOSHA Construction Health R 6601 Part 660	
Grinding, Polishing & Buffing	MIOSHA Health Standard R 3215 Part 525	
Hand and Portable Powered Tools	MIOSHA Safety Standard Part 38	
Handling and Storage of Materials	MIOSHA Construction Safety Part 8	
Hazard Communication	MIOSHA Construction Safety Part 42	Sec. 10.8
	MIOSHA Safety Standard Part 92	
	MIOSHA Health Standard Part 430	
Hazardous Waste Operations & Emergency Response	MIOSHA Health Standard R 325.52101-52137 Part 432	
Health Hazard Control for Specific Equipment and Operations	MIOSHA Construction Health R 6310 Part 621	
Hydraulic Power Presses	MIOSHA Safety Standard Part 23	
Illumination	MIOSHA Health Standard R 4101-4106 Part 478	
	MIOSHA Construction Health R 6605 Part 661	
Ionizing Radiation	MIOSHA Health Standard R 2410 Part 381	
	MIOSHA Construction Health R 6265 Part 681	
Ladders	MIOSHA Safety Standard Part 3	Sec. 12.10
	MIOSHA Safety Standard Part 4	
	MIOSHA Construction Safety Part 11	
Lead	MIOSHA Health Standard R 325.51901-51958 Part 310	Sec. 11.6
	MIOSHA Construction Health Part 603	
Lifting and Digging Equipment	MIOSHA Construction Safety Part 10	
Lockout/Tagout	MIOSHA Safety Standard Part 85	Sec. 10.2
Machine Guarding	MIOSHA Safety Standard Part 7	Sec. 12.11
Masonry Wall Bracing	MIOSHA Construction Safety Part 2	
Mechanical Power Presses	MIOSHA Safety Standard Part 24	
Medical & First Aid	MIOSHA Health Standard R 4401	
Metalworking Machinery	MIOSHA Safety Standard Part 26	Sec. 12.12

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Subject	Regulations/ Controls / Standards	DMB Manual Section
Methylene Chloride	MIOSHA Health Standard R 325.51651-51652 Part 313	
Mobile Equipment	MIOSHA Construction Safety Part 13	
Noise / Hearing Conservation	MIOSHA Health Standard R 325.60101-60138 Part 380	Sec. 11.5
	MIOSHA Construction Health R 6260 Part 680	
Nonionizing	MIOSHA Health Standard R 2420 Part 382	
	MIOSHA Construction Health R 6270 Part 682	
Open Surface Tanks	MIOSHA Health Standard R 3220 Part 526	
Painting or Powdercoat Operations (Painting, spraying or dipping)	MIOSHA Safety Standard Part 76	Sec. 12.3
	MIOSHA Health Standard R 3235 Part 528	
Permissible Exposure Limits	MIOSHA Health Standard R 325.51101-51108 Part 301	
	MIOSHA Construction Health R 6201 Part 601	
Personal Protective Equipment	MIOSHA Safety Standard Part 33	Sec. 10.9
	MIOSHA Health Standard R 325.60001-60012 Part 433	
	MIOSHA Health Standard R3503-3506 Part 433	
	MIOSHA Construction Safety Part 6	
Polishing, Buffing and Abrading	MIOSHA Safety Standard Part 11	
Powered Groundskeeping Equipment	MIOSHA Safety Standard Part 54	Sec. 12.15
Refuse Packer units	MIOSHA Safety Standard Part 17	Sec. 12.16
Respiratory Protection	MIOSHA Health Standard Part 451	Sec. 11.7
Sanitation	MIOSHA Health Standard R4201-4202 Part 474	
	MIOSHA Construction Health R 6615 Part 663	
Scaffolding	MIOSHA Safety Standard Part 5	Sec. 12.17
	MIOSHA Construction Safety Part 12	
Signals, Signs, Tags, and Barricades	MIOSHA Construction Safety Part 22	Sec. 12.2
Signs & Tags	MIOSHA Health Standard R 4501 Part 476	Sec. 12.2
Slings	MIOSHA Safety Standard Part 49	Sec. 12.19
Control Measures for Haz. Atmospheres	MIOSHA Health Standard R 3303	
Steam		Sec. 10.2
Storage and Handling of Liquefied Petroleum Gases	MIOSHA Safety Standard Part 56	
Telecommunications	MIOSHA Construction Safety Part 30	Sec. 12.21
	MIOSHA Construction Health R 6701 Part 664	
Tools	MIOSHA Construction Safety Part 19	Sec. 12.9
Tractors	MIOSHA Safety Standard Part 22	Sec. 12.22
Tree Trimming and Removal	MIOSHA Safety Standard Part 53	Sec. 12.23

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Subject	Regulations/ Controls / Standards	DMB Manual Section
Tunnels, Shafts, Cofferdams and Caissons	MIOSHA Construction Safety Part 14	
	MIOSHA Construction Health R 325.62991-62996 Part 665	
Vehicle Mounted, Elevating, Rotating Platforms	MIOSHA Safety Standard Part 25	Sec. 12.24
	MIOSHA Safety Standard Part 58	
	MIOSHA Construction Safety Part 32	
Ventilation Control	MIOSHA Health Standard R 3101 Part 520	
	MIOSHA Construction Health R 6301 Part 620	
Welding and Cutting	MIOSHA Safety Standard Part 12	Sec. 12.26
	MIOSHA Health Standard R 3240 Part 529	
	MIOSHA Construction Safety Part 7	
Woodworking Machinery	MIOSHA Safety Standard Part 27	Sec. 12.27

8.5 MIOSHA RECORDKEEPING REQUIREMENTS

8.5.1 RECORDKEEPING REQUIREMENTS

The Occupational Safety and Health Act of 1970 requires employers to prepare and maintain records of occupational injuries and illnesses. The MIOSHA Form 300 is the combination log and summary form which all locations are required to use. Record keeping requirements are explained on the back of the MIOSHA Form 300. Computerized recordkeeping is allowed, however two requirements must be met. First, sufficient information must be available to complete the log within seven calendar days after receipt of information that a recordable case has occurred. Second, a copy of the log updated to within 30 calendar days must be present at all times at the establishment.

The summary portion of the log is Form 300A showing the cumulative record to be posted at the end of the calendar year (no later than February 1 of the year immediately following) and remains posted until April 30.

8.5.2 RETENTION OF RECORDS

All records must be retained for five years after the year to which they relate.

8.5.3 LOCATION OF RECORDS

The MIOSHA Log 300 is maintained in DMB by the Safety and Health Coordinator in the Organizational Services Office. Site locations are required to forward copies of injury reports to DMB, Safety and Health maintain copies of injury reports and related documentation. Questions relating to record retention should be directed to Organizational Services.

8.5.4 ACCESS TO RECORDS

Required records must be kept current and be available for inspection and copying for MIOSHA compliance officers. The injury report and related medical and monitoring information must also be made available to an employee, former employee, and employee representatives (union officials) for examination and copying upon written notification or request.

8.5.5 REPORTING FATALITIES OR MULTIPLE HOSPITALIZATION ACCIDENTS

Whenever an occupational accident results in a fatality, or the hospitalization of three or more employees, the DMB Safety and Health Coordinator or designated individual must notify the MIOSHA office (either by telephone or in person) within 8 hours. The fatality hotline is 1-800-858-0397. The report must relate the accident circumstances, number of fatalities and extent of injuries. More detailed reports may also be required. For employee complaints or general information call MIOSHA hotline number at 1-800-866-4674, 7:30 a.m. to 5:00 p.m.

